

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, May 19, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Douglass, Flanagan, Parsons, Pickett, Saylor and Shannon.

Absent—excused—Senator Evans.

On motion of Senator Pettit, Senator Pickett was excused for the day on account of sickness.

On motion of Senator Rawson, the reading of the journal of yesterday was dispensed with.

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers."

Senator Bowers moved that the Senate refuse to concur in the following House amendments:

House amendment to Senate amendment to section twenty-six: Amend the amendment so as to read: "Section 26. That so much of this act as relates to the inspection of live stock, shall be enforced in the counties of Wichita, Wilbarger, Hardeman, Knox, Baylor, Haskell, Throckmorton, Collin, Dallas, Tarrant, Parker, Palo Pinto, Buchanan, Shackelford, Jones, Taylor, Callahan, Runnels, Eastland, Erath, Hood, Johnson, Bosque, Coleman, Milam, Falls, Limestone, Navarro, Leon, Robertson, Jack, Montague, Wise, Denton, Cook, Clay and Burnet, also, the county of Galveston, where the jurisdiction of the inspector shall be confined to said county of Galveston, and hides of animals slaughtered in the same; and so much of this act as relates to the inspection and sale of hides, shall not apply to any of the counties mentioned in this act." Carried.

Senator Fountain moved that the Senate insist upon its amendments to the bill. Carried.

Under direction of the President the Secretary returned House bill No. 4 to the House, informing that body that the Senate refused to concur in House amendment to Senate amendment to section twenty-six, and that the Senate insists upon its amendment to said section.

UNFINISHED BUSINESS.

House bill No. 606, "An act supplemental to an act entitled 'an

act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad Company,' passed August 3, 1870."

The question being upon the adoption of the following amendment offered yesterday by Senator Cole—strike out all of section one, after the word "Palestine" in line forty-nine.

On motion of Senator Gaines, the further consideration of House bill No. 606 was postponed.

Under direction of the President the Secretary carried to the House for concurrence the following Senate bills:

Substitute Senate bill No. 364, "An act to establish a Manual Labor Poor House and convict labor system, in each county in the State."

Senate bill No. 428, "An act incorporating the 'C' Sugar and Tobacco Planting Association."

Also, the following Senate concurrent resolutions:

Senate concurrent resolution No. 7, "In relation to the annexation of Santo Domingo to the United States."

Senate concurrent resolution No. 8, "In relation to the Centennial Celebration of 1876."

MESSAGES.

Message from the House by the Chief Clerk, Mr. Ketchum, informing the Senate that the House has passed without amendments Senate bill No. 260, "An act to prohibit the sale of ardent spirits and other intoxicating liquors within certain limits of Lebanon High School, in Collin county, Texas."

Also, transmitting for concurrence the following House bills:

House bill No. 381, "An act to authorize the county courts of the several counties in this State to levy a road tax, and to lease the roads on certain conditions."

House bill No. 636, "An act to authorize James A. Gowan to erect a toll bridge over Chambers Creek, near the Kellum crossing on the road leading from Corsicana, in Navarro county, to Waxahachie, in Ellis county."

House bill No. 678, "An act for the relief of John Dobbin, late sheriff of Bexar county."

House bill No. 679, "An act making an appropriation to pay the expenses of commissioners to locate and build the Agricultural and Mechanical College of Texas."

House bill No. 680, "An act to prohibit the sale of intoxicating and spirituous liquors in and within two miles of the town of Elysian Fields, in Harrison county."

Also, transmitting for the action of the Senate, House concurrent

resolution No. 9, "Directing the Speaker of the House and the President of the Senate to declare a recess of their respective bodies at 12 o'clock M., on Wednesday, May 31, 1871, until Monday, October 16, 1871."

And informing the Senate that the House has reconsidered the vote by which they passed House bill No. 606, entitled "An act to incorporate the Bolivar Point, Red River and East Texas Railroad Company," and requesting the return of the same from the Senate.

On motion of Senator Mills, the rules were suspended to take from file House concurrent resolution No. 9, "Directing the Speaker of the House and the President of the Senate to declare a recess of their respective bodies at 12 M. on Wednesday, May 31, 1871, until Monday, October 16, 1871." Concurrent resolution read.

Senator Dohoney offered the following amendment: Amend by striking out of line six the words "a recess of;" also, strike out of the last two lines the words "until Monday, the 16th day of October, 1871," and insert the words "adjourned *sine die*."

Senator Gaines moved to lay the amendment on the table.

Yeas and nays called for, and motion to lay on the table lost by the following vote:

Yeas—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pridgen—10.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Hillebrand, Latimer, Pettit, Pyle, Ruby, Shannon, Tendick—13.

The question being on the adoption of the amendment Senator Gaines moved a call of the Senate. Call sustained.

Absent—Senator Mills.

Absent—excused—Senators Evans, Pickett and Saylor.

Senator Mills appeared and answered to his name. Call suspended.

The question recurring on the adoption of the amendment yeas and nays called for and amendment lost by the following vote:

Yeas—Bowers, Broughton, Cole, Dohoney, Flanagan, Latimer, Pettit, Pyle, Rawson, Ruby, Shannon—11.

Nays—Mr. President, Baker, Bell, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Tendick—14.

Senator Flanagan offered the following amendment: Amend by striking out the words "sixteenth October" and inserting in lieu thereof the words "first Monday in September." Lost.

The question being on the adoption of the resolution, the yeas and nays were called for, and resolution adopted by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Shannon, Tendick—18.

Nays—Broughton, Cole, Flanagan, Latimer, Pyle, Rawson, Ruby, Saylor—8.

Senator Mills moved to reconsider the vote just taken, and to lay that motion on the table.

Yeas and nays called for and motion to lay on the table lost, by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pyle—12.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Latimer, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon, Tendick—14.

The question being on the motion to reconsider, the vote by which the Senate adopted House concurrent resolution No. 9 —

11 o'CLOCK A. M.

Pending action, the hour for consideration of special order arrived.

House bill No. 338, "An act to confer additional authority on the Waco and Northwestern Railroad Company."

Senator Dohoney offered the following amendments :

Amend section two, line twenty-one, strike out the words "buy or sell." Adopted.

Also, amend section two, lines twenty-two and twenty-three, strike out the words "or proposing to connect." Adopted.

Senator Ford offered the following amendments :

Amend by striking out all of section three. Adopted.

Also, amend section four, lines two and three, strike out the following words : "and purchase or otherwise take." Adopted.

Also, amend section four, lines nine and ten strike out the following words : "and also wharves, docks, water lots and wharf privileges." Adopted.

Also, amend section four, lines eleven and twelve strike out the words "docks, wharves and." Adopted.

Also, amend section four, line sixteen strike out all after the word "shall" down to and including the word "addition" in line twenty, and insert the following: "forthwith proceed to have the same condemned in accordance with law in the district court of the county in which such land is situated; *provided* said company shall, during the term, pay to the clerk of said court the amount of such judgment in United States currency for the benefit of the claimant of such land, subject to appeal as in other cases."

Pending action on amendment, Senator Fountain moved that a

porter be placed at the door of the reception room of the Senate, with instructions to allow none to enter the same except members of the Senate or persons invited by them. Carried.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills :

COMMITTEE ROOM,
AUSTIN, May 19, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled the following Senate bills, to-wit: No. 398, entitled "An act to establish a ferry on the Brazos river, at or near the mouth of the Little Brazos river, in the counties of Brazos and Burleson;" No. 354, entitled "An act to legalize certain acts of the County Court of Brazos county;" No. 329, entitled "An act incorporating the Texas and Europe Steamship Company;" No. 288, entitled "An act incorporating the East Texas Road Steamer and Transportation Company;" No. 182, entitled "An act to incorporate the Tyler Tap Railroad Company;" No. 403, entitled "An act to authorize the citizens of Wallace's Prairie, in Grimes county to erect gates across the public roads in said Prairie;" No. 407, entitled "An act to incorporate the Navasota and Washington County Ferry Company;" No. 384, entitled "An act authorizing the Commissioner of the General Land Office to appoint four additional draftsmen for his department, and fixing the salaries and making an appropriation therefor;" and, to-day at 10:15 o'clock A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

On motion of Senator Broughton, the Secretary was instructed to return to the House, House bill No. 606, "An act supplemental to an act entitled 'an act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad Company,' passed August 3, 1870."

Under direction of the President the Secretary returned House bill No. 606 to the House.

Special message from the Governor by his private Secretary, Mr. Britton, as follows :

GOVERNOR'S OFFICE,
AUSTIN, May 19, 1871.

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN : I have the honor to inform you that the following named bills have been received by me and approved, to-wit :

House bill No. 555, "An act making an appropriation to defray the contingent and printing expenses of the first session of the Twelfth Legislature," approved May 18, 1871.

House bill No. 672, "An act authorizing the Governor to commission Silas McCrary and Jerry Washington, who have been duly elected as justices of the peace for Bowie county, and to validate their official acts," approved May 18, 1871.

House bill No. 349, "An act further defining the powers and jurisdiction of the Criminal District Court of Galveston and Harris counties," approved May 18, 1871.

House bill No. 519, "An act authorizing the County Court of Kerr County to levy a special tax," approved May 18, 1871.

Senate bill No. 202, "An act to authorize the city council of the city of Austin to construct a bridge across the Colorado river," approved May 18, 1871.

Senate bill No. 427, "An act to incorporate the Austin Council No. 94, Friends of Temperance," approved May 18, 1871.

Senate joint resolution No. 16, "Joint resolution in relation to payment of salaries of district judges," approved May 18, 1871.

House joint resolution No. 22, "Joint resolution authorizing his Excellency, the Governor of the State, to dispose of the Houston Tap and Brazoria Railroad," approved May 18, 1871.

House bill No. 476, "An act to incorporate the Galveston and Colorado Railway Company," approved May 18, 1871.

Very respectfully,

EDMUND J. DAVIS,

Governor.

Message read.

MESSAGE.

Message from the House by Chief Clerk, Mr. Ketchum, informing the Senate the House had passed the following Senate bills:

Senate bill No. 344, "An act to incorporate the Colorado River Improvement and Navigation Company," with amendments.

Amendments to Senate bill No. 344: Insert in section one as incorporators, after the name of "John Hancock," the names of "W. A. Morris, N. G. Shelly, A. H. Cook, D. L. Cross, E. Perry, Geo. B. Zimpelman and Henry Madison."

Add the following as section seven: "Section 7. That the city of Austin shall have the right to purchase this charter from the incorporators on paying to said incorporators all sums of money that may have been actually expended by said company before the date of purchase;" change the number of present section seven to section eight.

Amend section three, lines four and five, by striking out the words "drawing sixteen inches of water," and inserting in lieu thereof the words "drawing twenty-four inches of water;" same section, lines eighteen and nineteen by striking out the words "as the said company may determine upon," and insert in lieu thereof the words "to be fixed upon by the County Court of Travis county."

Also, without amendments Senate bill No. 428, "An act incorporating the 'C' Sugar and Tobacco Planting Association."

Also, Senate bill No. 358, "An act to organize the county of Frio," and

Senate bill No. 418, "An act authorizing heads of departments of the State government to administer oaths."

Also, informing the Senate that the House had receded from its amendment to Senate amendments to House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers," and that the House has agreed to the Senate amendments to said bill.

11:30 O'CLOCK A. M.

Pending further consideration of House bill No. 338, the hour arrived for consideration of special order, Senate bill No. 419, "An act concerning private corporations. The Senate proceeded to the consideration of Senate bill No. 419. Bill read second time.

(Senator Dohoney called to the Chair.)

Senator Fountain offered the following amendment: Amend section fifty-seven, line eleven, by striking out the word "cars" and insert the word "locomotive." Adopted.

Senator Fountain moved a reconsideration of the vote just taken. Carried.

Yeas and nays called on the adoption of the amendment, and amendment adopted by the following vote:

Yeas—Mr. President, Baker, Bowers, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Rawson, Ruby, Saylor—14.

Nays—Bell, Broughton, Cole, Douglass, Mills, Pettit, Pridgen, Shannon—8.

Senator Flanagan offered the following amendment: Section fifty-seven, line eleven, amend after "locomotive" insert "and cars."

Senator Douglass offered the following as a substitute for the amendment: "Look out for the train when you hear the locomotive whistle."

Senator Flanagan accepted the substitute.

Senator Gaines offered the following as a substitute for the substitute: Amend by inserting "Look out for the locomotive Bull Jim and the cars."

On motion of Senator Bell, the amendment, substitute and substitute for the substitute were laid on the table.

On motion of Senator Baker, the Senate, at 1:08 P. M., took a recess for ten minutes.

IN SENATE—1:18 o'Clock P. M.

On motion of Senator Douglass, the further consideration of the bill pending, House bill No. 419, was postponed until to-morrow at 1 P. M.

On motion of Senator Douglass, the rules were suspended to take from file House bill No. 131, "An act to incorporate the Gilmer Manufacturing Company." Read second time and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and House bill No. 131 read third time and passed.

On motion of Senator Parsons, the rules were suspended to take from file House bill No. 479, "An act amendatory of an act to incorporate the Home Insurance Company of Houston, Texas." Read second time and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended and House bill No. 479 read third time and passed.

On motion of Senator Hertzberg, the rules were suspended to take from file House bill No. 678, "An act for the relief of John Dobbin, late sheriff of Bexar county." Read first time, rules suspended and read second time.

On motion of Senator Baker, the rules were further suspended and House bill No. 678 read third time and passed, by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Douglass, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Saylor, Shannon, Tendick—22.

Nays—Rawson—1.

On motion of Senator Bowers, the rules were suspended, to take from file House bill No. 632, "An act to change the venue of cases in the district courts which the judges of said courts are disqualified from trying." Read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended, and House bill No. 632 read third time and passed.

On motion of Senator Saylor, the rules were suspended, to take from file House bill No. 679, "An act making an appropriation to pay the expenses of commissioners to locate and build the Agricultural and Mechanical College of Texas." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended,

and House bill No. 679 read third time and passed by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Ford, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—17.

Nays—Douglass, Gaines, Pyle, Rawson, Shannon—5.

Message from the House by the Chief Clerk, Mr. Ketchum, informing the Senate that the House had passed without amendments the following Senate bills :

Senate bill No. 243, "An act to incorporate the Marshall Female College."

Senate Bill No. 377, "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas."

Senate Bill No. 399, "An act to incorporate Charles Sumner Male and Female Academy, in the town of Henderson, county of Rusk."

Senate bill No. 409, "An act to encourage the Gulf, Western Texas and Pacific Railway Company in the construction of their railway."

Also, informing the Senate that the House has adopted the Senate amendments to House bills Nos. 507, 460, 491 and 262.

Also, transmitting for signature of the President the following enrolled House bills :

Senate substitute for House bill No. 39, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas."

House bill No. 363, "An act for the relief of the heirs of John Staker, deceased."

House bill No. 364, "An act for the relief of John Hawkins Brown."

House bill No. 578, "An act to define and establish the boundary line between the counties of Live Oak and Nueces."

House bill No. 505, "An act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean."

Enrolled bills signed by the President in open session and returned to the House.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 561, "An act to incorporate the city of Corsicana, in Navarro county, Texas." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended, and House bill No. 561 read third time and passed.

On motion of Senator Baker, the Senate, at 1:45 P. M., adjourned to 10 A. M. to-morrow.